

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION

DARRELL KIMBROUGH, MSN,  
FNP-C, et al.,

Plaintiffs,

v.

NAEEM KAHN, M.D. and  
AMARILLO URGENT CARE, LLC,

Defendants.

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2:18-CV-82-D

**SCHEDULING ORDER**

The presiding United States District Judge has referred this case to the undersigned United States Magistrate Judge for pretrial management. The District Judge will set the pretrial and trial schedule by separate order.

Pursuant to Rules 16(b) and 26(f) of the Federal Rules of Civil Procedure, the *Civil Justice Expense and Delay Reduction Plan* for the United States District Court, Northern District of Texas (Misc. Order No. 46), and the current *Local Civil Rules of the United States District Court for the Northern District of Texas*, and also after having considered the parties' *Joint Status Report and Scheduling Order* and their attorneys' comments at the Rule 16 Scheduling Conference, the Court enters this Scheduling Order.<sup>1</sup>

**I. PROPOSED ORDERS and "EMERGENCY MOTIONS"**

If a party submits any proposed order to the Court, including such orders as an agreed protective order, the party shall email the proposed order to [reno\\_orders@txnd.uscourts.gov](mailto:reno_orders@txnd.uscourts.gov) with the

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<sup>1</sup>If a date specified in this Order falls on a Saturday, Sunday, legal holiday, or date on which the United States District Clerk's office is closed or is otherwise inaccessible, the deadline is the next day that is not one of the aforementioned days. *See* Fed. R. Civ. P. 6(a)(3).

case number and document number of the accompanying motion in the subject line.

When a party makes an electronic filing that requests “emergency,” “expedited,” or similar relief or provides for agreed relief concerning a fast-approaching deadline, the party should assume the Court is unaware of the filing. When such relief is sought, counsel should arrange to have a judge’s copy promptly delivered to the United States District Clerk or to chambers.

## II. PRETRIAL SCHEDULE

The parties must comply with each of the following deadlines unless a deadline is modified by the Court upon a showing of good cause as required by Federal Rule of Civil Procedure 16(b).

### A. Joinder of Parties

A party must file a motion for leave to join other parties on or before **October 1, 2018**.

### B. Initial Disclosures

The parties shall make initial disclosures on or before **October 10, 2018**.

### C. Mediation

Pursuant to the parties’ agreement, the parties shall mediate this case on or before **November 16, 2018**. Upon completion of mediation, the mediator shall inform the Court whether this case has or has not settled by filing a mediation summary report with the United States District Clerk on or before **three (3) business days** after the completion of mediation.

### D. Expert Witnesses

Parties seeking affirmative relief must designate expert witnesses on or before **November 30, 2018**, and must otherwise comply with Federal Rule of Civil Procedure 26(a)(2) expert disclosure requirements on or before **January 2, 2019**.

Parties opposing affirmative relief must designate expert witnesses on or before **February 1,**

**2019**, and must otherwise comply with Federal Rule of Civil Procedure 26(a)(2) expert disclosure requirements on or before **March 1, 2019**.

Any party who intends to offer expert evidence “intended solely to contradict or rebut evidence on the same subject matter identified by another party under Rule 26(a)(2)(B) or (C)” must designate expert witnesses and otherwise comply with Rule 26(a)(2) expert witness reports on or before **April 1, 2019**.

E. Completion of Discovery

The parties must complete all expert and factual discovery on or before **May 13, 2019**.

F. Objections to Expert Witnesses

Objections to a party’s expert witness shall be filed on or before **June 12, 2019**.

G. Summary Judgment/ Dispositive Motions<sup>2</sup>

Any motion for summary judgment or other dispositive motion must be filed on or before **July 12, 2019**. The deadline imposed by the Local Civil Rules for filing a motion for summary judgment does not apply in this case because the Court, by this Order, has established a different deadline. Counsel should carefully review Local Civil Rule 56.2(b) which limits a party to filing one (1) summary judgment motion “[u]nless otherwise directed by the presiding judge, or permitted by law.”

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<sup>2</sup>Local Civil Rule 7.1 provides responses to opposed motions must be filed within 21 days from the date the motion is filed, and replies may be filed within 14 days from the date the response is filed, unless otherwise directed by the presiding judge. Federal Rule Civil Procedure 6(d), which provides that “[w]hen a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail), (D) (leaving with the clerk), or (F) (other means consented to), 3 days are added after the period would otherwise expire under Rule 6(a),” does not apply to response and reply due dates calculated under Local Civil Rule 7.1. These due dates are calculated according to the motion and response’s filing date rather than the date of service.

H. Amendment of Pleadings

Parties must file any motion for leave to amend pleadings on or before **August 12, 2019**.

I. Motions Not Otherwise Covered

A party must file a motion not otherwise covered by this order on or before **October 1, 2019**.

This deadline does not apply to motions in limine or to objections filed pursuant to Federal Rule of Civil Procedure 26(a)(3), which must be filed no later than the deadlines that will be established by the trial setting order that the District Judge will issue later.

J. Rule 26(a)(3) Disclosures

The parties must file Rule 26(a)(3) disclosures on or before **October 9, 2019**.

III. TRIAL READY DATE/ ORDER SETTING TRIAL

The parties shall be ready for trial on or before **November 18, 2019**. **This is not a trial setting.**

The District Judge will issue a subsequent and separate order setting the case for trial.

IV. RULE 26(a) DISCLOSURES AND DISCOVERY  
MATERIALS NOT TO BE FILED

Counsel are reminded that, pursuant to Federal Rule of Civil Procedure 5(d)(1), disclosures under Federal Rule of Civil Procedure 26(a)(1) or (2), and the following discovery requests and responses — depositions, interrogatories, requests for documents or tangible things or to permit entry onto land, and requests for admission — must not be filed until they are used in the proceeding or the Court orders filing.

V. MODIFICATION OF DEADLINES

**THESE SCHEDULING DEADLINES WILL BE FIRM** and shall not be modified except as specifically provided for herein or by leave of Court upon a detailed factual showing of good cause and due diligence in compliance with this Order.

IT IS SO ORDERED.

ENTERED September 24, 2018.

  
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LEE ANN RENO  
UNITED STATES MAGISTRATE JUDGE